

January 16, 1998

SENATE BILL No. 48

DIGEST OF SB 48 (Updated January 15, 1998 8:42 am - DI 51)

Citations Affected: IC 33-10.1.

Synopsis: Collection of municipal court judgments. Allows a city or town court to impose a \$50 late payment fee on judgments that are not paid by the due date set by the court. Provides that the late payment fees remain in the general fund of the city or town that collected the judgment.

Effective: July 1, 1998.

Craycraft, Bray

January 6, 1998, read first time and referred to Committee on Judiciary.
January 15, 1998, amended, reported favorably — Do Pass.

C
O
P
Y

SB 48—LS 6213/DI 41



January 16, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

C
O
P
Y

SENATE BILL No. 48

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-10.1-5-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) All judgments,
3 decrees, orders, and proceedings of city and town courts have the same
4 force as those of the circuit court. A judgment becomes a lien on real
5 estate when a transcript of the judgment is filed with the clerk of the
6 circuit court. **A city or town court may impose a late payment fee of**
7 **fifty dollars (\$50) on each judgment, including a fine or civil**
8 **penalty imposed for an offense, infraction, or ordinance violation,**
9 **that is not paid in full by the payment date set by the court when**
10 **the judgment was entered. Notwithstanding IC 33-19-7-4, late**
11 **payment fees collected under this subsection remain in the general**
12 **fund of the city or town that collects the fee.**

13 (b) All orders of sale and executions affecting real estate from the
14 city court of the three (3) cities having the largest populations in a
15 county having a population of more than four hundred thousand
16 (400,000) but less than seven hundred thousand (700,000) shall be
17 issued by the clerk of the circuit court to the sheriff upon the filing of

SB 48—LS 6213/DI 41



1 a certified copy of the judgment. When the copy is filed, the court
2 rendering the judgment has no further jurisdiction of the case except to
3 furnish a transcript for appeal. The life of a lien may be continued in
4 force when the action is started in the city court, as though the action
5 were filed in the circuit court, by filing with the clerk of the circuit
6 court a certificate, certified to by the judge of the city court and
7 containing the names of the parties to the suit, the nature of the action,
8 the description of the property affected, and the amount in controversy.
9 The judge shall enter minutes on the docket showing the issuing of the
10 certificates.

C
o
p
y



SENATE MOTION

Mr. President: I move that Senator Bray be added as second author of Senate Bill 48.

CRAYCRAFT

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill 48, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, after "judgment" insert "**, including a fine or civil penalty imposed for an offense, infraction, or ordinance violation,**".

and when so amended that said bill do pass.

(Reference is to Senate Bill 48 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 3.

C
o
p
y

